



OLENE S. WALKER
Governor
GAYLE F. McKEACHNIE
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

ROBERT L. MORGAN
Executive Director

JERRY D. OLDS
State Engineer/Division Director

file

STATE OF UTAH DIVISION OF WATER RIGHTS

<p>DIVISION OF WATER RIGHTS, JERRY D. OLDS STATE ENGINEER,</p> <p style="text-align: center;">Claimant</p> <p>v.</p> <p>LaMont & Tammi Wood</p> <p style="text-align: center;">Respondent.</p>	<p>NOTICE OF AGENCY ACTION UNLAWFUL DIVERSION OF WATER</p> <p>No. SEAA 1093</p> <p>Water Right Nos. 71-205 (t28976), 71-1014, 71-1366</p>
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TO: LaMont & Tammi Wood:

The State of Utah, Division of Water Rights ("Division") notifies you that it is commencing an adjudicative proceeding in accordance with Chapter 46b, Title 63, U.C.A. 1953, Utah Administrative Procedures Act, and Division of Water Right Rules, to determine one or more of the following:

1. Whether LaMont & Tammi Wood have exceeded the irrigation acre limitation as set forth in the water rights listed above.
2. Whether the State Engineer should issue an Order to Cease the Use of Water forbidding LaMont & Tammi Wood to irrigate those areas that are in excess of the irrigated acres described in the water rights listed above.

The Division has authority and jurisdiction to maintain this action under Sections 73-2-1, 73-2-1.1, and Chapter 5, Title 73, Administration and Distribution, U.C.A. 1953. The proceeding will be conducted informally according to rules adopted under Sections 63-46b-4 and 63-45b-5.

ALLEGED FACTS

1. In 2001 the Division began implementing a method of regulating water use by regulating irrigated acreage instead of requiring and reading water meters.

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2. In mid June 2003, the Division obtained aerial photography of the irrigated land in the Beryl-Enterprise area that included the land irrigated by LaMont & Tammi Wood.
3. The aerial photography was scanned and the irrigated areas were digitized and compared with the irrigated areas shown on the updated water rights map.
4. A comparison of the aerial photography and the updated water rights map shows that during 2003 LaMont & Tammi Wood irrigated 20.92 acres more than allowed by the water rights listed above. The attached map shows the location and extent of the illegally irrigated land.
5. The estimated dollar value of the irrigation without a water right (20.92 acres) is \$28,000.

PARTICIPATION

To participate in this proceeding you must provide information related to the above ALLEGED FACTS. Further, if you do not participate as described in the following paragraphs, a default order will be entered.

1. You must either provide relevant information or request a hearing. Relevant information must be mailed or delivered to the Presiding Officer within 30 days from the date of service.
2. If you request a hearing without providing sufficient information to the Presiding Officer, you will be ordered to participate in a preliminary conference. At this conference you must provide information to help clarify the issues.
3. If a Notice of Hearing is mailed to you, you must attend the hearing as scheduled in the notice.
4. Reasonable accommodations per Americans with Disabilities Act available with minimum 3 days advance notice.

DEFAULT

If you fail to participate as required above, the Presiding Officer will decide all issues raised by this notice without your participation and will enter a default order. Authority to default for failure to participate may be found in Section 63-46b-11 U.C.A. 1953, Subsection 63-46b-1(4)(a), and Rule R655-6-13m Utah Administrative Code.

HEARING

You may request a hearing within 10 days from the date of service on any issue of fact raised by this notice.

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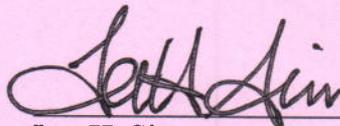
Even if you mail information to the Presiding Officer, the time to request a hearing will not be extended, unless the Presiding Officer gives you notice of an extension in writing.

If you decide to request a hearing, make your request in writing to the Presiding Officer named at the end of this document.

All telephone calls and mail concerning this action should be directed to:

Lee H. Sim, Assistant State Engineer
For
Jerry D. Olds, State Engineer
Utah Division of Water Rights
P.O. Box 146300
Salt Lake City, Utah 84114-6300
Telephone: (801)538-7380
Fax Number: (801)538-7467

Date this 11 day of JANUARY, 2005



Lee H. Sim, P.E.
Assistant State Engineer
Presiding Officer
For
Jerry D. Olds, P.E.
State Engineer

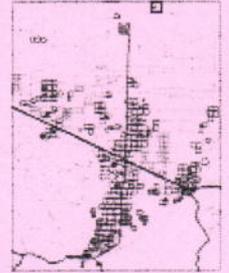
cc: Kerry Carpenter, Regional Engineer
Heather Shilton, Assistant Attorney General
Karl Schmutz, Water Commissioner

State Division of Water Rights

Explanation

-  Allowed
-  Disallowed
-  Unused
-  Surface WR
-  UGM & Surface
-  No Data
-  Townships
-  Sections
-  Forties
-  Primary Route
-  Secondary
-  Rural Roads
-  Minor Roads
-  Stream
-  Ditch or Canal
-  Wash or Ephemeral Drai
-  Intermittent Stream
-  Aqueduct

Reference



0 340 680 1020 1360 ft

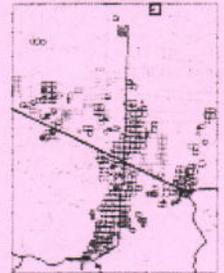
ID	Owner Name	Water Right Number	Acres	Status
300	Lamont & Tammy Wood	no water rights	19.92	Disallowed
301	Lamont & Tammy Wood	71-307,1014,1366	99.08	Allowed

State Division of Water Rights

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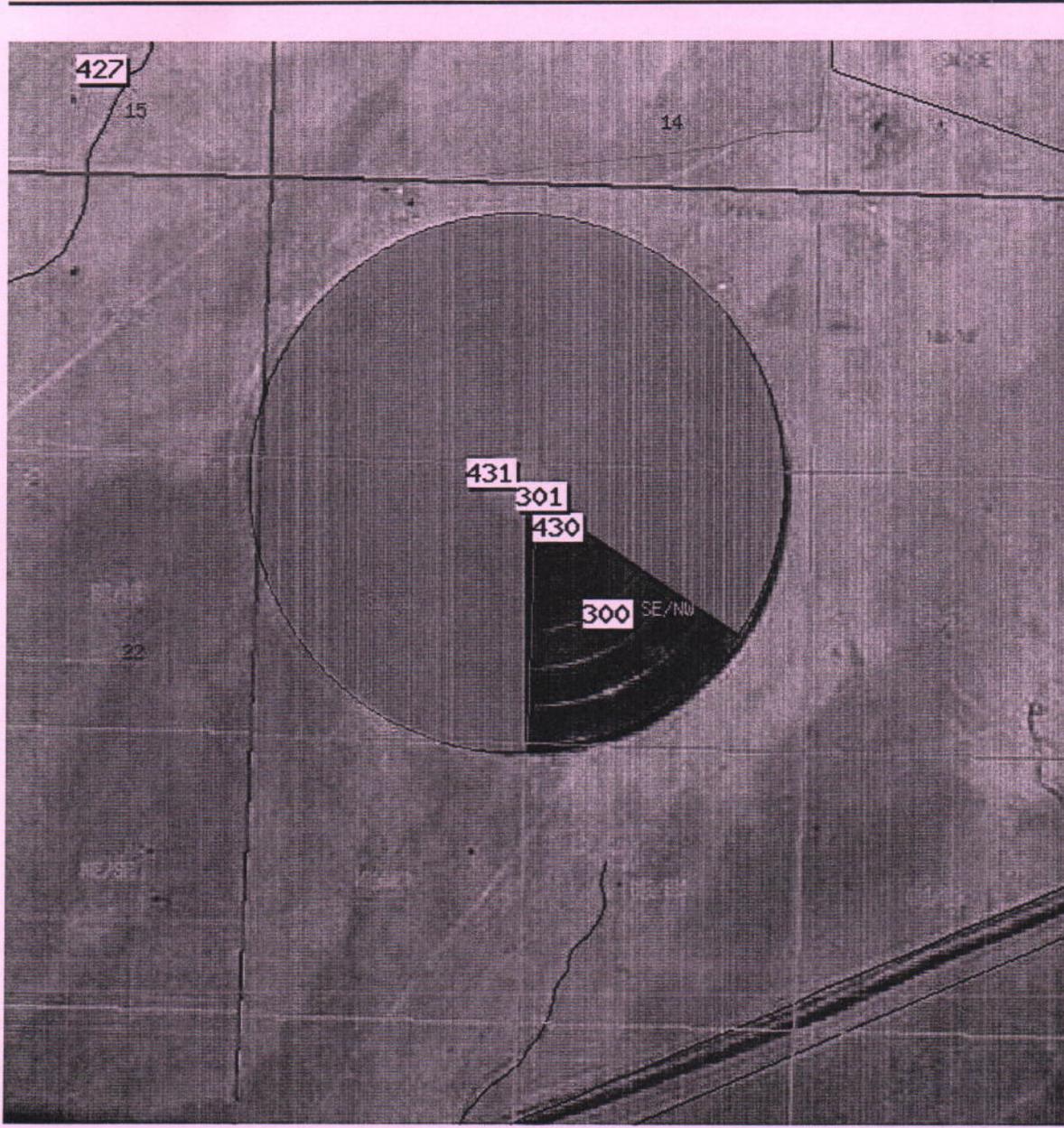
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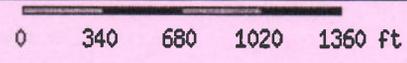
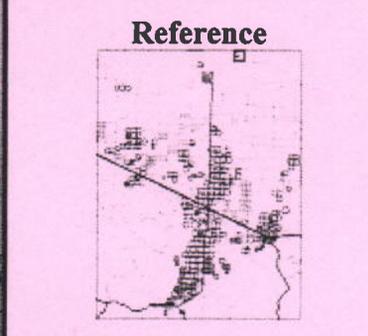
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